

## **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 28th day of March 2016 A.D. at 7:00 p.m.

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Denise M. deMedeiros - President</b>	<b>Jay J. Lambert (Late)</b>	<b>Peter A. Mello</b>
	<b>Joan B. Chabot – Vice President</b>	<b>Brett N. Pelletier</b>	<b>David Perry</b>
	<b>Joseph R. Sousa</b>		

Town Administrator, Matthew Wojcik and Town Solicitor Anthony DeSisto were also present.

### **Approval of Consent Agenda:**

All items listed with “(CA)” are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President deMedeiros read the items on the Consent Agenda. Councilor Sousa requested removal of items CA2c, Recycling Committee minutes and CA3a, Relating to Municipalities and the Governor’s FY 2017 Budget.

Councilor Perry motioned to Approve the rest of the Consent Agenda. The motion seconded by Councilor Sousa passed unanimously.

The Consent Agenda was as follows:

### **CONSENT AGENDA:**

#### **A-1-Approval of Minutes of Previous Meetings:**

- a. Approval of Regular Council Meeting Minutes of March 14, 2016
- b. Approval of Executive Session Minutes Council Meeting March 14, 2016
- c. Approval of Council Special Meeting Minutes of February 27, 2016
- d. Approval of Council Special Meeting Minutes of February 20, 2016

#### **A-2-Receipt of Minutes from the Following Boards, Commissions:**

- a. Board of Canvassers (3)
- b. Harbor & Coastal Waters Management Commission

#### **A-3-Correspondence – Receive and File**

- b. CRMC Public Notice for Proposed Rule-Making and Shoreline Change Maps
- c. Barbara Pelletier, Representative to Discover Newport- Proposed Legislation

### **BUSINESS BROUGHT BEFORE THE COUNCIL**

#### **CA2-Receipt of Minutes from the Following Boards, Commissions:**

##### **c. Recycling/Landfill Committee**

Councilor Sousa along with DPW Director Steve Berlucchi, Town Administrator Matthew Wojcik and some members of the Recycling Committee toured the Landfill to see about relocating the Recycling facility. It appears it will be located down near the bottom of the gate, suggested a security camera may be necessary. The DPW Director and Administrator are keeping on top of this.

Councilor Perry motioned to Approve item CA2c, Receipt of Recycling/Landfill Committee minutes. The motion seconded by Councilor P. Mello passed unanimously.

### **CA3-Correspondence – Receive and File**

#### **a.Town of Narragansett Resolution in Support of Budget Article 15 Relating to Municipalities and Governor's FY 2017 Budget**

Councilor Sousa called for support of this resolution that will amend property revaluations from 3 to 5 years. Councilor Perry suggested the Council make one up.

Councilor Perry motioned to Approve receipt of this correspondence and request the Town Clerk create a similar resolution for the next meeting. The motion, seconded by Councilor Sousa passed 5-1, Councilor Pelletier opposed.

### **B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**

#### **1. Demolition of Unsafe Buildings – Status Update – Continued From March 14<sup>th</sup> Dennis & Donna Silvia, 1588 Bulgarmarsh Road – Plat 215, Lot113**

Solicitor DeSisto discussed this with Fred Mason, the attorney for Union Mutual Fire Company who is trying to gain legal right to demolish this building. Mr. Mason was waiting for one more document expects that next week; has lined up contractors and has the funds available, requested this be continued to the next meeting.

Councilor Perry motioned to Continue to this to the April 11, 2016 Town Council meeting. The motion, seconded by Councilor Sousa passed unanimously.

#### **Item moved up in the agenda.**

Solicitor DeSisto requested item G1, Cristina M. Offenberg, Esq. – Longplex LLC – Sports Complex - Request Approval of Town Council Resolution to Approve Amendment to Purchase and Sales Agreement, be moved up in the agenda and taken with item B2 as both relate to the Longplex Sports Complex.

Councilor Perry motioned to move up in the agenda to be taken with item B2. The motion, seconded by Councilor Sousa passed unanimously.

#### **2. JLPH Acquisitions Co. Inc. (Longplex, LLC) - Abandonment of Commerce Boulevard (a/k/a Communication Drive)**

##### **G-1-Cristina M. Offenberg, Esq. – Longplex LLC – Sports Complex - Request Approval of Town Council Resolution to Approve Amendment to Purchase and Sales Agreement**

###### **a. Town Solicitor Proposed Amendment to Resolution**

###### **b. Town Planner Marc R. Rousseau Memorandum**

Solicitor DeSisto explained this public hearing was for the petition to abandon a public way. By statute one finding is required that this roadway has ceased to be useful as a public way. There are other matters to be addressed regarding this proposal. Chris Duhamel, DiPrete Engineering, Cristina Offenberg attorney for the applicant and Chris Long, applicant, appeared before the Council on this request. Mr. Duhamel explained this project is part of the development of the Industrial Park (the Park). DiPrete Engineering was involved in the initial design of the Park in 2012. At that time it was determined the lots as zoned for this area were 40 square feet. Cul de sacs were proposed to get to the upland areas; the roadways were designed and permitted through the Department of Environmental Management (DEM). Some open space areas were reserved due to ledge and being unbuildable; there was no request for open space. Since 2012 DiPrete Engineering has worked with the EDC to look at marketing the Park. Marcel Valois and Steve King from Quonset Development Corporation strongly

suggested it would be better to have larger lots and just use Progress Road instead of having cul de sacs. Mr. Long entered into an agreement with the Town Council and proceeded to develop a site plan. The road would need to be abandoned and the lots previously subdivided would have to be merged. DiPrete did the engineering and subdivision plan; went to the Planning Board (PB) last month; they agreed the road could be abandoned and the lots merged for a 15 acre parcel. The PB did not recommend the road be abandoned further south leading to Progress Road due to one landlocked parcel. There was a technical review committee meeting to look at the request for emergency access easement running through the site and connecting to Progress Road. It was important from Fire Chief Lloyd to have 2 points of access, Industrial Way and Progress Road. Mr. Long had a separate agreement for lot 804 to use for another outdoor recreation area and to build a 24foot driveway easement over the future abandoned right of way and reconfigure lot 811 to have frontage on Progress Road. The plan that is before the Council is to allow for the abandonment of the full drive of Communication Way, it would become a private driveway and access to the Recreation Center ( 24 foot easement) for emergency vehicles only, Industrial Way to Progress Road would be owned and maintained by Mr. Long. There would not be any requirement of the Town to pave or maintain utilities. Mr. Long would have another purchase and sale agreement of the frontage lot on Progress Road in the area of the abandoned right of way. The Council would have to decide that the Park is better served by eliminating that part of the roadway. Mr. Duhamel asked the Council to abandon the roadway as there is no benefit to the Town.

Council President deMedeiros opened to discussion from the Council. Councilor Perry recalled originally there were 2 buildings, now only sees 1 building. Mr. Long explained the 2 building were merged into one, each was 60sq ft. and from the original plan there was never a road there. Councilor Pelletier noted the problem was the plan was never recorded. Solicitor DeSisto questioned if they were asking for the road to be abandoned and replaced with some kind of drive for safety vehicles and if the master plan went before the PB. Solicitor DeSisto noted it has to be defined what is going to be part of the easement, has to be a public safety component. Mr. Long noted this still has to go back to the PB and the tech review committee. Solicitor DeSisto explained item G1 is the combined lots and open space areas; Attorney Offenbergh added the original Purchase and Sale (P&S) was specific to what was recorded and had to come up with a way to describe it. Councilor Pelletier requested a copy of the original P&S; this was an amended P&S. It did not have any red lined items, could not tell what was changed. Councilor P. Mello questioned the open space portion. Mr. Duhamel explained there was no restriction on open space in the industrial section, no requirement.

Solicitor DeSisto clarified, that G1 needs to be amended to include those open space areas and this administrative subdivision that was approved by the Planning Board included those areas. Mr. Long is agreeable to having conservation easements placed over those areas, identified as the areas in green on the map as shown by Mr. Duhamel. Administrator Wojcik explained this building is located in the only place it can go, will be getting a fire lane around the building. T/A Wojcik opined the road should be abandoned first, and then the title can be cleared to go through the PB process. Then the P&S can include the price with the additional land. Solicitor DeSisto suggested hearing from Police, Fire and DPW to make findings of fact as part of the public hearing.

President deMedeiros opened the public hearing; Chief Robert Lloyd's concern was having two points of access. Police Chief Thomas Blakey had nothing further to add; President deMedeiros called for comments from the public. Sally Black, Broadview Drive, hoped the Town Council and the PB could work this out, has been a deliberate process. Stu Hardy, Chair of the Planning Board could not speak for the PB but will try to move this along in an appropriate manner. Barbara Pelletier suggested the possibility of a dog park. Mr. Long was trying to do agility and walking trails with this plan. DPW Director Berlucchi agreed with Chief Lloyd, a temporary road will also need an easement. President deMedeiros called for public comment three more times, hearing none closed the public comment portion. Councilor Perry liked to keep moving this forward, has been going on for two years, and has changed over time. Mr. Long agreed, demand has been good, people are willing to commit. At this time, 7:50 p.m. a five minute recess was taken.

Solicitor DeSisto suggested the Road Abandonment was in order now, conditional upon going through the PB. The motion will be in two parts, the first one to address the road abandonment and the second one referring to G1 and refer that to the Planning Board for recommendation at the next Council meeting with the amendment to include open space and the lot at the front. The finding of fact will be incorporated into the motion based on the testimony of the Police, Fire and DPW Director.

Councilor Pelletier motioned that the Town Council finds the road in question has ceased to become useful as a public way based on input from DPW, Police, Fire, Town Administrator, Town Planner and anyone else conditional upon the easement being granted and also conditional upon the combination of lots 56 & 57. Councilor Chabot seconded the motion, Councilor Sousa commented on the need to be business friendly, takes a lot of cooperation to get this project going, and thanked Mr. Long for being patient. The motion passed unanimously, 6-0 (Councilor Lambert had not arrived).

Solicitor DeSisto suggested that a motion, referring to item G1, be that the recommendation is to refer to the Planning Board regarding the description of the property as well as the acquisition of lot 64 for a recommendation as to the amended purchase and sale agreement and refer this back to the Council for the April 11 meeting. The motion was seconded by Councilor Sousa and passed unanimously, 6-0.

Councilor Lambert arrived at this time, 8:15 p.m. Councilor Pelletier requested the original signed P&S and the option and any new language for both parcels. Regarding Councilor Pelletier's request the original P&S includes language referring to the additional lot option and in the transfer and should include the red lined copy to see where the changes were along with the metes and bounds for the open space, the conservation easement added and the no build easement for lot 64. The maps should also be included.

### **3. Town Solicitor – Approval of Proposed Amendment Article 11 (Definitions) and Article V sections 3, 4, & 10 (Use Table) - Medical Marijuana Ordinance** **Planning Board Recommendation**

Solicitor DeSisto explained this is a proposed amendment to the Zoning Ordinance regulating the growing of Medical Marijuana in Town. This was referred to the Planning Board for recommendation which the Council has received; several suggestions were made by the Board. The proposed ordinance is for the cultivation of medical marijuana as a use subject to zoning. It is a policy decision on the part of the Town Council where growing is regulated and typed as defined by the State of Rhode Island. Solicitor DeSisto opined the Council had the ability to regulate the growing of marijuana in Town. There are 4 different types of grow operations as defined by the State of RI; Compassion Center-as defined by the Department of Health, Cooperative Grow- where one or more cardholders grow cooperatively, Caregiver- grows for a patient and the Patient that has the card is allowed to grow. The PB suggested changes to the Definitions and changes to the use table. Planning Board, Vice Chair David Saurette explained the PB decided to make the definition for Personal cultivation very specific for a person with a card and not someone who is a caregiver. The use table was changed to allow growing in all residential zones as some residences are in commercial and industrial zones; was not appropriate to exclude, the recommendation is for one person per residence can grow. It was noted one person can grow 12 adult and 12 baby plants. Solicitor DeSisto explained there were no restrictions on a patient according to the law as to where it can be grown on the property, has to be indoors and secure. Councilor P. Mello questioned if they would need a permit. Solicitor DeSisto explained can grow by right. Mr. Saurette noted from the PB discussion with the Solicitor no one was allowed to ask someone if they have a card. Chief Blakey explained if there was an investigation and they saw marijuana plants they could ask if someone had a card. Councilor Pelletier questioned if the patient could not grow their own plants could there be some compassionate flexibility in allowing others to grow the plants. Solicitor DeSisto explained caregivers that have a card can grow and sell to the patient, defined in State Law. This proposed ordinance does not include that provision for caregivers. Councilor Sousa confirmed with the Solicitor if the Council chose to they could allow cooperative growing in a zone by special use permit.

President deMedeiros opened the public hearing for comments. Joanne Lebanon, Executive Director RI Patient Advocacy Coalition urged the Council to move cautiously, the law can be complicated. A lot of patients and caregivers did not want to come out in public, speaking on behalf of a lot of people, some have debilitation conditions. Medical marijuana gives patient options, caregivers are an important part of the program, and only have 3,000 in the State. This proposed ordinance takes away the caregiver option for the patient; most patients cannot physically grow their own. The cooperatives are regulated by State law, have to be licensed with the State Police; are valuable resources for the patient. This ordinance in effect is denying people medicine, should take very seriously. This undermines State Law, question if the Town can take this away, also being questioned by the ACLU. Solicitor DeSisto just received an email from them today; they have a preemptive argument whether cities have the ability to regulate cooperatives and compassion centers. Solicitor DeSisto opined was similar to the sale of alcohol which is subject to zoning so the Town can regulate this activity. Ms. Lebanon did not agree with the Solicitor's opinion. John Mello, resident and caregiver highly recommended the Council educate themselves on this subject, need to take under consideration caregivers. Caregivers are required to pass a background check. Joel Bishop bought a farm on Cornell Road, has a commercial greenhouse. Mr. Bishop has been working with the Advocacy, interested in a non-residential cooperative grow; explained it was a lot of work with lots of permitting and red tape. Councilor Sousa stressed the value of an ounce of marijuana was concerned with the security issue. Mr. Bishop understood the concerns, believed it was cost prohibitive for one person to grow medical grade marijuana in their basement; opined a co-op was the way to go. Councilor Sousa was in favor of postponing the public hearing if a proposal was brought forward for a cooperative grower.

Renee Jones, resident, questioned if the Town could limit the number of licensees for a cooperative grow. Solicitor DeSisto cited 21-28-6.-14 for 2 or more cardholders, under State regulations this is something the Town cannot regulate. The Town can regulate where this grows. The cooperative grows, residential and non-residential governed by State regulations with different requirements for each. Caregivers are allowed to charge for their costs and there is an organization in the State that links patients with caregivers. A cooperative grow is not a permitted use under both proposals in any zone. Also under both of these if you are a caregiver it is not permitted in any zone. Councilor Pelletier opined zoning is to do what is best as a long term land use decision. Solicitor DeSisto explained the only way the Town can regulate co-ops is through zoning. Chee Laureanno, Main Road, had attended the PB meeting, lot of questions with no answers. As a realtor questioned the Solicitor about the right not to lease citing 21-28-6.14, do not have to ask for the card can put it in the lease. Ms. Laureanno suggested this was being rushed and the Council should reconsider and have a moratorium. Solicitor DeSisto explained this is currently unregulated; President deMedeiros added right now people can do whatever they want. The misnomer was if someone has a card cannot stop them from growing. Solicitor DeSisto noted there have been requests for this type of grow issued an opinion as to what was permitted; do need to have this specifically addressed in the zoning ordinance.

Ms. Lebanon explained patients are not allowed to smoke in certain places, not allowed to smoke outside. There is a specific provision in the Statute where you cannot use if it affects a child. Solicitor DeSisto cited 21-28-.6-7 which specifically states places, cannot smoke this in any public place. Barbara Pelletier, Bonniefield Drive, suggested having a communal plot and working with local universities for research purposes. Chief Blakey noted two discussion points; the usage of medical marijuana and the agricultural growing side, they are two separate subjects. Peter Moniz, Captain's Circle suggested eliminating the words "use of land" from non-residential cooperative so it's just restricted to inside a building. Bob Taylor lives behind St. Christopher's Church suggested putting in the regulations so it eliminates anything near a church or school and non-residents; liked to know what the definition of a resident. President deMedeiros explained the purpose of this hearing was from the suggestion of the Town Solicitor to have an ordinance; listening to the concerns of the public. Rebecca Ellwell, Prevention Coalition, recalled last year an agenda item regarding growing and cultivation of marijuana; questioned where that was at this point. Solicitor DeSisto explained this ordinance envelopes medical marijuana, forms of large grow operations are addressed in this ordinance. The Town did take some initiative regarding the



grow house. Councilor Sousa suggested some changes may be needed to the State legislation. President deMedeiros called for comment from the public three more times, hearing none closed the public hearing.

Councilor Sousa was confused, not yet ready to vote, wanted to hear from those in the cooperatives. Councilor Perry originally started this back in September after hearing from Mr. Pagliarini, had compassion for individuals, was not in favor of the ordinance. Councilor Lambert believed in personal and guardian's cultivation. President deMedeiros works as a nurse, agrees with the care giver and personal grow. Councilor P. Mello looked for clarification on the care giver's growing plants. Solicitor DeSisto explained it was limited to 24 per person. Ms. Lebanon clarified a caregiver can grow 12 mature and 12 baby plants. If they take on a second patient the plant count is 24 mature and 12 babies and that is the limit even if there are 5 patients. Some people are patients as well as caregivers. The maximum amount of plants being grown anywhere which is a non-residential co-op is 48 and 24. Most people have small plants but cannot have any more than 2.5 ounces. Councilor Chabot learned a lot tonight, need to have more education on this topic, not prepared to vote at this point, needs more research. Councilor Pelletier flagged several issues; noted personal residential was a legal as of right use, agreed with Councilor Chabot as this is the first step. Need to learn more about this as the caregiver component is a very important part; there is a need in the community. For the cooperative grows it is not as simple as drawing a line; non-residential grow has built in safeguards, special use permits take that into account. Need guidelines or regulations after this for some sort of threshold. Councilor Sousa wanted more public input. Councilor Lambert was looking for rules for personal cultivation. Solicitor DeSisto summarized, the Council should review what is appropriate for cultivation, where it is appropriate in the town and who should be doing it. Councilor Lambert requested the advocates give the Council more specific information regarding growing.

Councilor Perry motioned to continue this to April 11. The motion, seconded by Councilor Pelletier passed unanimously.

#### **4. CDBG 2016 Grant Application – First Public Hearing**

Christian Belden, Church Community Housing was here to assist the Town with the application and also helps to administer the program. This is the first of two public hearings; the first one is to notify residents of the Town's intention to apply for funds and solicit input. This will benefit low to moderate income residents and individuals in the areas of improved housing opportunities, employment and community facilities and services. Statewide there is over \$4million dollars available and a max of \$250,000 for Tiverton. Two letters have been received from the Boys and Girls Club for the summer camp program and for capital needs. The Women's Resource Center submitted a letter requesting funds for domestic violence services support and to refurbish the office in Newport. Church Community Housing is requesting \$20k for operating costs, \$120k for affluent array at Windward Drive and additional funds for housing revitalization amount to be determined. All the requests will be taken up at the second public hearing. Housing activities can include new housing development, affordable housing rehab, and low interest loan program to rectify roof replacement, boilers or code issues at 3% or zero if elderly or disabled. Councilor Sousa noted Providence uses their funds to rehab blocks of houses and resell them; questioned how many Tiverton residents locally benefit from the Boys & Girls Club. Councilor Perry also requested numbers of residents applying. Mr. Belden will email that information.

President deMedeiros opened the hearing to public comments. Susan Schenck, East Bay Community Action Program tentatively will be applying similar to last year for their training program for 15 individuals for job placement, serves Tiverton residents. Merged with the East Bay Center which handled behavioral health services, will help with staffing. Lori DiPersio, Women's Resource Center thanked the Council for previous funding, submitted a letter of intent, requested consideration for this year's funds. President deMedeiros called for comment three more times, hearing none closed the public hearing.

#### **C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:**

There were not items for the Board of Licensing.

## **D-APPOINTMENTS & RESIGNATIONS:**

### **Appointments**

#### **1. Recreation Commission – 4 Vacancies – 3 Year Terms**

##### **a. Joseph C. Perry, Jr., 133 East Bourne Ave.**

Mr. Perry (not related to Councilor Perry) was unable to attend, President deMedeiros was familiar with Mr. Perry, had no problem recommending him.

Councilor Perry motioned to Appoint Joseph C. Perry, Jr., 133 East Bourne Ave. to the Recreation Commission for a 3 year term. The motion, seconded by Councilor Sousa passed unanimously.

##### **b. Edward J. Sevigny, 168 Merritt Ave.**

Mr. Sevigny works for the Federal Government, had coached youth baseball teams, was familiar with Councilor Perry and Chief Blakey.

Councilor Perry motioned to Appoint Edward J. Sevigny, 168 Merritt Ave. to the Recreation Commission for a 3 year term. The motion, seconded by Councilor Sousa passed unanimously.

## **E-UNFINISHED BUSINESS:**

#### **1. Town Administrator – Request Approval of Resolution to Establish OPEB Trust Account With Interlocal Trust – Continued From March 14th**

Town Treasurer, Denise Saurette responded to a question comparing pension funds. Treasurer Saurette did not have copies of the State pension fund, the one from the Trust has 3 funds and the Town can choose the direction. T/A Wojcik explained the OPEB Trust fund is a no load, low load fund, nothing like the State fund. This plan is available to the cities and towns to liquidate the liability of Other Post-Employment Benefits like health care and life insurance. The Town is paying \$800k per year for these benefits and has been talking to the Trust for several years about different strategies to gradually build the fund up. Right now the Police and Fire unions contribute to their own OPEB. Looking to create a mechanism where the gains can be allocated to the operating needs so the \$800k is not part of the budget. Important to note there is no mandatory annual required contribution. Treasurer Saurette noted the need to start somewhere, new accounting rules like GASB 75 will recognize pension liability, if instituted going forward will be looked at favorably on the balance sheet. The Trust has different mechanisms to fund, will work with the Town to fill those needs. Councilor Sousa opined this was a positive step to fund the pension. Councilor Pelletier noted elected officials have a tremendous amount of responsibility; Treasurer Saurette is more than competent to administer this fund, logically it is the Treasurer, should think about the future risk.

Councilor Perry motioned for Approval of Resolution to Establish OPEB Trust Account with Interlocal Trust. The motion, seconded by Councilor Pelletier passed unanimously.

**Adopted Resolution attached at end of minutes.**

## **F-FINANCIAL BUSINESS:**

#### **1. Town Administrator – Request Ratification of Amendment to Neil Hall, Code Enforcement Official's Contract Salary Increase From \$65,000 to \$67,000 Effective March 31, 2016 Through April 1, 2017**

President deMedeiros suggested tabling this contract item until after Executive Session.

## **G-NEW BUSINESS:**

### **2. Town Administrator – Approval of Firefighter Code of Ethics**

Chief Lloyd was given this by the Administrator as part of the management plan. This is from the National Code of Ethics, applies to all Firefighters, the Code of Conduct is more expressive. Councilor Perry questioned if they sign off as being received and read by them, Chief Lloyd said they did not but it was a good idea. Administrator Wojcik noted there was no fiscal impact but in the long term it is important to the general order establishing the framework and description. Will be bringing several general orders for the department in the next several weeks, important to understand the relationship and how it plays out in arbitration. The contract refers to the General Orders as the governing document of the department. The Code of Ethics is the framing document and explains why there will be general orders.

Councilor Pelletier motioned to approve the Firefighter Code of Ethics, suggested adding to the first bullet point and the Town of Tiverton., discussion followed. Chief Lloyd explained that point has come up in the past, does get reviewed as part of the training. The motion was seconded by Councilor Chabot and passed unanimously.

### **3. Town Administrator - Approval of Tiverton Fire Department Code of Conduct**

Councilor Pelletier motioned to approve the Tiverton Fire Department Code of Conduct. The motion, seconded by Councilor Chabot passed unanimously.

### **4. Town Administrator – Request Ratification of MOA with IAFF Regarding Lateral Hires**

The letters in the heading, MOA, reference a Memorandum of Agreement, as explained by the Town Clerk. The document is a Memorandum of Understanding to the Collective Bargaining Agreement. Administrator Wojcik explained the Chief has been working on recruiting and retention. Due to numerous vacancies across the State the Town has the opportunity to hire experienced Firefighters; over the past several months have worked out a process with the Personnel Board and the Union to incorporate changes. Chief Lloyd explained the goal was to get experienced people quickly, have a new online process which received 107 applications. The goal is to hire as EMT Basic and have them certified in one year as Cardiac. Some meet this criteria, consensus of the discussion was for 5 years' experience to hire as First Class, will not bump for seniority, start at the lowest level. Pay is commensurate with experience, not waiving the probationary period.

Councilor Perry motioned to approve the MOA, Memorandum of Understanding with IAFF regarding Lateral Hires. The motion, seconded by Councilor Lambert passed unanimously.

## **H-BIDS AND REQUESTS FOR PROPOSALS:**

There were no items for this topic on the agenda.

## **H-1-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS:**

Barbara Pelletier signed up to talk but had left the meeting earlier.

## **I-TOWN ADMINISTRATOR ANNOUNCEMENTS:**

Administrator Wojcik thanked Claudia Linhares for help with recruiting for the Recreation Commission. Announced the Town Hall will be closed for the afternoon on April 8 for computer training for the entire staff. The Town is migrating to Google mail which has a higher level of security and operability.

## **J-COUNCIL ANNOUNCEMENTS:**

President deMedeiros planned to have a Casino Sub-Committee meeting on Monday, April 4 at the Town Hall at 7:00 p.m. Councilor Sousa recognized the passing of Bob Healey, Cool Moose Party.



## **K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:**

There were no Solicitor items.

## **L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:**

### **1. Presidential Preference Primary – April 26, 2016**

Town Clerk Mello reminded about the Presidential Preference Primary (PPP), last day to register to vote has passed. It is on the website and has been advertised.

## **CLOSED EXECUTIVE SESSION:**

### **1. Personnel – 42-46-5(a) (1) – Building/Zoning Official Neil Hall’s Performance Evaluation – Notice Given**

### **2. Councilor Lambert – 42-46-5(a) (2) – Litigation – McInnis v. Town of Tiverton**

### **3. Town Administrator - 42-46-5(a) (2) – Collective Bargaining AFSCME**

### **4. Councilor Chabot – 42-46-5(a) (5) – Disposition of Town Held Real Estate – Industrial Park**

### **5. Councilor Chabot – 42-46-5(a) (1) – Personnel – Status and Discussion on Town Administrator Performance Evaluation – Notice Given**

Councilor Lambert made a motion to enter into Closed Executive Session pursuant to 42-46-5(a) (1) re: Personnel – Building/Zoning Official Neil Hall’s Performance Evaluation – Notice Given. The motion seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (2) re: Litigation – McInnis v. Town of Tiverton. The motion seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (2) re: Collective Bargaining AFSCME. The motion seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (5) re: Disposition of Town Held Real Estate – Industrial Park. The motion seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (1) re: Personnel – Status and Discussion on Town Administrator Performance Evaluation – Notice Given. The motion seconded by Councilor Chabot passed unanimously on a roll call vote.

The Council entered into Executive Session at approximately 10:55 p.m.

The Council returned to Open Session at approximately 12:10 p.m.

## **OPEN SESSION:**

Councilor deMedeiros announced no formal action was taken in Executive Session.

Councilor Pelletier motioned to seal the minutes of Closed Executive Session. Seconded by Councilor P. Mello, motion passed unanimously.

Council Continued with item F-1, Ratification of Amendment to Neil Hall, Code Enforcement Official’s Contract Salary Increase From \$65,000 to \$67,000 Effective March 31, 2016 Through April 1, 2017.

Councilor Perry motioned to approve amendment to Neil Hall's contract for salary increase from \$65k to \$67k. Seconded by Councilor P. Mello, motion passed 5-2. Councilor Chabot and Sousa opposed.

**ADJOURNMENT:**

Councilor Chabot motioned to adjourn, seconded by Councilor Perry. The motion passed unanimously.

The meeting adjourned at 12:15 p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk

A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF TIVERTON  
AUTHORIZING THE ADOPTION OF  
THE TRUST'S OPEB FUNDING PROGRAM

WHEREAS the Town of Tiverton (the "Town") desires to establish an OPEB trust fund pursuant to the relevant provisions of the General Laws of Rhode Island § 45-21-65, as amended; and

WHEREAS pursuant to R.I. Gen. Laws § 45-5-20.2 the Rhode Island Interlocal Risk Management Trust has established an OPEB Funding Program (the "Program") designed to fund post-employment benefits for the Town's employees as specified in the Town's policies and/or applicable collective bargaining agreements; and

WHEREAS the Town is eligible to participate in the Program; and

WHEREAS it is determined to be in the best interest of the Town to adopt the Public Agencies Post-Retirement Health Care Plan Trust, a multiple employer tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the relevant statutory provisions of the State of Rhode Island. WHEREAS the Town's adoption and operation of the Program has no effect on any current or former employee's entitlement to other post-employment benefits; and

WHEREAS the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

WHEREAS the Town's funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS the Town reserves all rights to make contributions, if any, to the Program; and

WHEREAS although state law permits public entities to establish trusts and this Program for the purposes of funding post-employment benefits, any employer participating in the Program or participant in such Program shall hold harmless the State of Rhode Island and/or its, agents, employees, and servants from any cause of action arising from the administration of or participation in the Program.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Town Council hereby approves participating in the OPEB Funding Program established by the Rhode Island Interlocal Risk Management Trust; and
2. The Town Council hereby adopts the Public Agencies Post-Retirement Health Care Plan Trust, including the Public Agencies Post-Retirement Health Care Plan, effective March 28, 2016 (the "Trust"); and
3. The Town Council hereby appoints the Town Treasurer or his/her successor or his/her designee as the Town's Plan Administrator for the Trust. The Plan Administrator shall act on behalf of the Town in all matters relating to the Town's participation in the Trust, including, but not limited to, authorizing the investment of assets in the Trust, providing directions to the Trustee and/or the Trust Administrator, and authorizing disbursements from the Town's trust assets, and the Town shall, pursuant to R.I. Gen. Laws §45-15-6, indemnify said Plan Administrator;
4. The Town Council hereby delegates the oversight of the investment management of the Town's funds placed into the Program to the Rhode Island Interlocal Risk Management Trust's Board of Trustees; and
5. The Town's Plan Administrator is hereby authorized to execute the legal and administrative documents on behalf of the Town and to take whatever additional actions are necessary to maintain the Town's participation in the Trust and to maintain compliance of any relevant regulations issued or as may be issued.
6. This Resolution shall take effect upon its adoption by the Town Council.

STATE OF RHODE ISLAND

\_\_\_\_\_, the Town Clerk hereby certifies that the above foregoing resolution was duly and regularly adopted by said Town at a regular meeting thereof held on the \_\_\_\_\_, and passed by a \_\_\_\_\_ vote of said Council. IN WITNESS WHEREOF I have hereunto set my hand and seal this \_\_\_\_\_, 2016 \_\_\_\_\_ Town Clerk